

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 212

SENATE BILL 1004

AN ACT

AMENDING SECTIONS 41-1713 AND 41-1830.12, ARIZONA REVISED STATUTES; RELATING
TO PUBLIC SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)



JANE DEE HULL
GOVERNOR
STATE OF ARIZONA

April 23, 2001

The Honorable Randall Gnant
President, Arizona State Senate
1700 West Washington
Phoenix, Arizona 85007

RE: Senate Bill 1004 public safety department; employee leave

Dear President Gnant:

I have signed Senate Bill 1004. We are taking a step forward to provide well-deserved, additional benefits to those Arizona Department of Public Safety officers who need time to recover from severe injuries received on the job. My biggest concern is that this bill creates an inconsistency in treatment of state employees who suffer on-the-job injuries.

Currently, all state employees have paid sick leave, paid annual leave and workers' compensation benefits to assist them while recovering from a job-related injury and sometimes this is not enough. While signing this bill into law, I recommend that next year, the legislature consider giving other state employees the same level of benefit.

Sincerely,

A handwritten signature in cursive script, reading "Jane Dee Hull".

JANE DEE HULL
Governor

cc: Secretary of State Betsey Bayless
Speaker of the House James Weiers
Senator Tom Smith

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1713, Arizona Revised Statutes, is amended to
3 read:

4 41-1713. Powers and duties of director; authentication of
5 records

6 A. The director of the department shall:

7 1. Be the administrative head of the department.

8 2. Subject to the merit system rules, appoint, suspend, demote,
9 promote or dismiss all other classified employees of the department upon the
10 recommendation of their respective division superintendent. The director
11 shall determine and furnish the LAW ENFORCEMENT merit system council
12 ESTABLISHED BY SECTION 41-1830.11 with a table of organization. The
13 superintendent of each division shall serve at the concurrent pleasure of the
14 director and the governor.

15 3. Make rules necessary for the operation of the department.

16 4. Annually submit a report of the work of the department to the
17 governor and the legislature, or more often if requested by the governor or
18 the legislature.

19 5. Appoint a deputy director with the approval of the governor.

20 6. Adopt an official seal which shall contain the words "department
21 of public safety" encircling the seal of this state as part of its design.

22 7. Investigate, on receipt, credible evidence that a licensee OR
23 REGISTRANT has been arrested for, charged with or convicted of an offense
24 that would preclude the person from holding a ~~provisional~~ license,
25 PROVISIONAL CERTIFICATE or registration certificate issued pursuant to title
26 32, chapter 26.

27 B. The director may:

28 1. Issue commissions to officers of the department.

29 2. Request the cooperation of the utilities, communication media and
30 public and private agencies and any sheriff or other peace officer in any
31 county or municipality, within the limits of their respective jurisdictions
32 when necessary, to aid and assist in the performance of any duty imposed by
33 this chapter.

34 3. Cooperate with any public or private agency or person to receive
35 or give necessary assistance and may contract for such assistance subject to
36 legislative appropriation controls.

37 4. Utilize the advice of the board and cooperate with sheriffs, local
38 police and peace officers within the state for the prevention and discovery
39 of crimes, the apprehension of criminals and the promotion of public safety.

40 5. Acquire in the name of the state, either in fee or lesser estate
41 or interest, any real or personal property which the director considers
42 necessary for the department's use, by purchase, donation, dedication,
43 exchange or other lawful means. All acquisitions of personal property
44 pursuant to this paragraph shall be made as prescribed in chapter 23 of this
45 title unless otherwise provided by law.

1 6. Dispose of any property, real or personal, or any right, title or
2 interest therein, when the director determines that such property is no
3 longer needed or necessary for the department's use. Disposition of personal
4 property shall be as prescribed in chapter 23 of this title. The real
5 property shall be sold by public auction or competitive bidding after notice
6 published in a daily newspaper of general circulation, not less than three
7 times, two weeks prior to the sale and subject to the approval of the
8 director of the department of administration. When real property is sold,
9 it shall not be sold for less than the appraised value as established by a
10 competent real estate appraiser. Any funds derived from the disposal of real
11 or personal property shall be deposited in the Arizona highway patrol fund
12 as authorized by section 41-1752, subsection B, paragraph 6.

13 7. Sell, lend or lease personal property directly to any state, county
14 or local law enforcement agency. Such personal property may be sold or
15 leased at a predetermined price without competitive bidding. Any state,
16 county or local law enforcement agency receiving such property may not resell
17 or lease such property to any person or organization except for educational
18 purposes.

19 8. Dispose of surplus property by transferring such property to the
20 department of administration for disposition to another state budget unit or
21 political subdivision if such state budget unit or political subdivision is
22 not a law enforcement agency.

23 9. Lease or rent personal property directly to any state law
24 enforcement officer for the purpose of traffic safety, traffic control or
25 other law enforcement related activity.

26 10. Sell for one dollar, without public bidding, the department issued
27 handgun or shotgun to a department officer on duty related retirement
28 pursuant to title 38, chapter 5, article 4. Any funds derived from the sale
29 of the handgun or shotgun to the retiring department officer shall be
30 deposited in the Arizona highway patrol fund as authorized by section
31 41-1752, subsection B, paragraph 6.

32 11. Conduct state criminal history records checks for the purpose of
33 updating and verifying the status of current ~~license holders~~ LICENSEES OR
34 REGISTRANTS who have a license OR CERTIFICATE issued pursuant to title 32,
35 chapter 26. The director shall investigate, upon receipt, credible evidence
36 that a licensee has been arrested for, charged with, or convicted of an
37 offense that would preclude the person from holding a provisional license or
38 registration certificate issued pursuant to title 32, chapter 26.

39 12. GRANT A MAXIMUM OF TWO THOUSAND EIGHTY HOURS OF INDUSTRIAL INJURY
40 LEAVE TO ANY SWORN DEPARTMENT EMPLOYEE WHO IS INJURED IN THE COURSE OF THE
41 EMPLOYEE'S DUTY AND WHOSE WORK-RELATED INJURY PREVENTS THE EMPLOYEE FROM
42 PERFORMING THE NORMAL DUTIES OF THAT EMPLOYEE'S CLASSIFICATION. THIS
43 INDUSTRIAL INJURY LEAVE IS IN ADDITION TO ANY VACATION OR SICK LEAVE EARNED
44 OR GRANTED TO THE EMPLOYEE AND DOES NOT AFFECT THE EMPLOYEE'S ELIGIBILITY FOR
45 ANY OTHER BENEFITS, INCLUDING WORKER'S COMPENSATION. ON RETIREMENT OR

1 SEPARATION FROM THE DEPARTMENT OR ON RECLASSIFICATION TO CIVILIAN STATUS, THE
2 EMPLOYEE FORFEITS ANY UNUSED INDUSTRIAL INJURY LEAVE AND IS NOT ELIGIBLE FOR
3 PAYMENT PURSUANT TO SECTION 38-615. SUBJECT TO APPROVAL BY THE LAW
4 ENFORCEMENT MERIT SYSTEM COUNCIL, THE DIRECTOR SHALL ADOPT RULES AND
5 PROCEDURES REGARDING INDUSTRIAL INJURY LEAVE HOURS GRANTED PURSUANT TO THIS
6 PARAGRAPH.

7 C. The director and any employees of the department which the director
8 designates in writing may use the seal adopted pursuant to subsection A,
9 paragraph 6 of this section to fully authenticate any department records and
10 copies of these records. These authenticated records or authenticated copies
11 of records shall be judicially noticed and shall be received in evidence by
12 the courts of this state without any further proof of their authenticity.

13 Sec. 2. Section 41-1830.12, Arizona Revised Statutes, is amended to
14 read:

15 41-1830.12. Law enforcement merit system council; duties;
16 authority; rules; business manager; definition

17 A. The law enforcement merit system council shall:

18 1. Select a chairman and vice-chairman.

19 2. Hold meetings that are necessary to perform its duties on the call
20 of the chairman.

21 3. Pursuant to recognized merit principles of public employment adopt
22 rules it deems necessary for establishing the following for department of
23 public safety and Arizona peace officer standards and training board
24 personnel:

25 (a) A classification and compensation plan for all covered positions
26 and for establishing standards and qualifications for all classified
27 positions from a list of necessary employees that is prepared by the director
28 of the employing agency.

29 (b) A plan for fair and impartial selection, appointment, probation,
30 promotion, retention and separation or removal from service by resignation,
31 retirement, reduction in force or dismissal of all classified employees.

32 (c) A performance appraisal system for evaluating the work performance
33 of employees of the agencies.

34 (d) Procedures for the conduct of hearings of employee grievances that
35 are brought before the council relating to classification, compensation and
36 the employee appraisal system.

37 (e) Procedures for the conduct of hearings on appeals from an order
38 of the director of the employing agency in connection with suspension,
39 demotion, reduction in pay, loss of accrued leave time or dismissal of a
40 classified employee.

41 4. Adopt rules for hours of employment, annual and sick leave and
42 special leaves of absence, with or without pay or with reduced pay.

43 5. Pursuant to recognized merit principles, hear and review appeals
44 from any order of the director of the employing agency in connection with
45 suspension, demotion, reduction in pay, loss of accrued leave time or

1 dismissal of a classified employee. The council's determination is final,
2 except on appeal as provided in section 41-1830.13.

3 B. The council may meet with the state personnel board to discuss
4 matters of mutual concern.

5 C. The rules under subsection A, paragraph 4 of this section shall
6 provide for the transfer of accumulated annual leave from one employee to
7 another employee in the employing SAME agency AND FOR THE TRANSFER OF
8 ACCUMULATED ANNUAL LEAVE FROM ONE EMPLOYEE TO ANOTHER EMPLOYEE OF ANOTHER
9 AGENCY, DEPARTMENT, BOARD OR COMMISSION IF THE EMPLOYEES ARE MEMBERS OF THE
10 SAME FAMILY. The transfers may occur if the employee to whom the leave is
11 transferred has a seriously incapacitating and extended illness or injury or
12 a member of the employee's immediate family has a seriously incapacitating
13 and extended illness or injury and the employee has exhausted all available
14 leave balances. Transferred annual leave shall be increased or reduced
15 proportionally by the difference in the salaries of the employees as
16 determined by council rule. FOR THE PURPOSES OF THIS SUBSECTION, "FAMILY"
17 MEANS SPOUSE, NATURAL CHILD, ADOPTED CHILD, FOSTER CHILD, STEPCHILD, NATURAL
18 PARENT, STEPPARENT, ADOPTIVE PARENT, GRANDPARENT, GRANDCHILD, BROTHER,
19 SISTER, SISTER-IN-LAW, BROTHER-IN-LAW, SON-IN-LAW, DAUGHTER-IN-LAW,
20 MOTHER-IN-LAW OR FATHER-IN-LAW.

21 D. The council shall select and the director of the department of
22 public safety shall appoint a business manager who is a certified peace
23 officer and an employee of the department of public safety but who is not a
24 member of the council. The business manager shall perform and discharge all
25 of the powers and duties that are vested in the council, except that adoption
26 of rules, creation and adjustment of classifications and grades, compensation
27 and hearing appeals for dismissal, demotion, reduction in pay, suspensions
28 or other punitive action remain the duty of the council. Any power or duty
29 that the council may lawfully delegate to the business manager is
30 conclusively presumed to have been delegated to the business manager unless
31 it is shown that the council by an affirmative vote recorded in its minutes
32 has specifically reserved the power or duty to itself. At the request of the
33 council, the business manager may make inquiries regarding or investigate
34 infractions of council rules within the department of public safety. The
35 business manager shall report the result of the inquiry or investigation to
36 the council for appropriate action. The business manager may delegate the
37 business manager's powers and duties to the business manager's subordinates
38 unless by council rule or express provision of law the business manager is
39 specifically required to act personally.

40 E. For the purposes of this section, "director of the employing
41 agency" means the director of the department of public safety with respect
42 to employees of the department and the executive director of the Arizona
43 peace officer standards and training board with respect to employees of the
44 board.

Passed the House April 11, 2001,

by the following vote: 50 Ayes,

0 Nays, 10 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate January 22, 2001,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1004

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.


Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 17, 2001

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

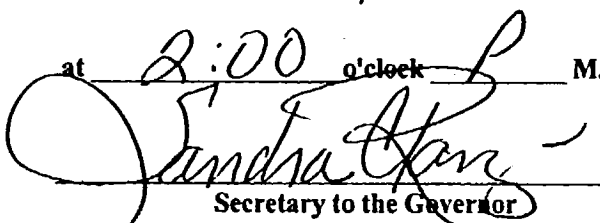

President of the Senate
Norma Lowe
Ass^t. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2001

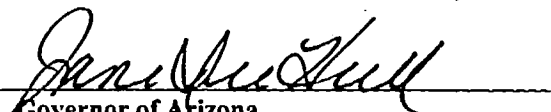
at 2:00 o'clock P M.


Secretary to the Governor

APPROVED THIS 23 day of

April, 2001,

at 6:50 o'clock P M.

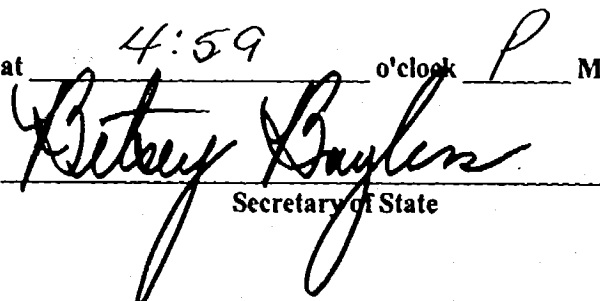

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2001,

at 4:59 o'clock P M.


Secretary of State

S.B. 1004